

### **REMARKS**

The courteous telephone interview extended to applicant's representative is acknowledged with appreciation. It was asserted during that interview that the phrase "formed by isomaltulose" meant the crystalline phase was isomaltulose, both literally and in context with the remainder of the application, and not anything which was made from isomaltulose. To avoid any misinterpretation, this case has been refiled and the claims amended above.

An Abstract as a separate page has been submitted.

The prior art rejections in this application are based on reading the claims as if they said "formed from" isomaltulose (which they did not) and as a result, treating Isomalt and isomaltulose have been treated as if they are the exact same material. This is not correct. They are very different substances.

Isomaltulose is a single substance, namely the disaccharide 6-O- $\alpha$ -D-glucopyranosyl-D-fructose. When isomaltulose is hydrogenated, the sugar is converted into a virtually equimolar mixture of 2 alcohols, namely 6-O- $\alpha$ -D-glucopyranosyl-D-sorbital (also known as 1,6-GPS) and the stereoisomeric 1-O- $\alpha$ -D-glucopyranosyl-D-manitol (also known as 1,1-GPM). See, e.g., the Willibald-Ettle reference at column 1. As pointed out toward the bottom of that column, the hydrogenated isomaltulose, namely the mixture of alcohols, is called Isomalt. Thus, isomaltulose is a single substance, a disaccharide and is thus a sugar and not an alcohol. Isomalt is a mixture of two alcohols.

All of the references on which the rejections in this case are based, namely Barrett, Willibald-Ettle and Cherukuri, are concerned with Isomalt. The only disclosure in

any of these references about isomaltulose is only that it is a material from which the Isomalt can be made by hydrogenation. There is, accordingly, no teaching or suggestion in any of these references of a gelatin-free soft caramel containing isomaltulose. It is therefore respectfully submitted that all of the prior art rejections are untenable and should be withdrawn.

In light of the foregoing, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

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